

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

PATRICK B. THOMAS

§

VS.

§

CIVIL ACTION NO. 9:17cv163

JEREMY W. LARUE, ET AL.

§

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Patrick B. Thomas, an inmate confined within the Texas Department of Criminal Justice, Correctional Institution Division, proceeding *pro se*, filed this civil rights lawsuit. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court.

Plaintiff has filed two motions (doc. nos. 2 and 5) seeking a temporary restraining order or preliminary injunction. The Magistrate Judge has submitted a Report and Recommendation of United States recommending the motions be denied as moot.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed objections. The court must therefore conduct a *de novo* review of the objections in light of the record and the applicable law.

The Magistrate Judge's recommendation was based on the fact that plaintiff was no longer incarcerated at the same unit he was when he filed his motions for preliminary injunctive relief. In his objections, plaintiff states he is only at his new unit temporarily in order to undergo occupational therapy. However, according to the website operated by the Texas Department of Criminal Justice, plaintiff remains at his new unit. As a result, the court agrees that plaintiff's motions are moot at this time. Plaintiff will be free to file a new motion if he is returned to his original unit.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED** as

the opinion of the court. Plaintiff's motions for a temporary restraining order or preliminary injunction are **DENIED** as moot.

So **ORDERED** and **SIGNED** this **17** day of **July, 2018**.

A handwritten signature in black ink, appearing to read "Ron Clark", is positioned above a horizontal line.

Ron Clark, United States District Judge